

**Michael Porter, P.C.**, OSB No. 003560  
mike.porter@millernash.com  
**Taylor D. Richman**, OSB No. 154086  
taylor.richman@millernash.com  
**MILLER NASH GRAHAM & DUNN LLP**  
3400 U.S. Bancorp Tower  
111 S.W. Fifth Avenue  
Portland, Oregon 97204  
Telephone: (503) 224-5858  
Facsimile: (503) 224-0155

**Faith C. Whittaker**, Ohio State Bar No. 0082486  
(*pro hac vice admission forthcoming*)  
faith.whittaker@dinsmore.com  
**Michael B. Mattingly**, Ohio State Bar No. 0089847  
(*pro hac vice admission forthcoming*)  
michael.mattingly@dinsmore.com  
**DINSMORE & SHOHL LLP**  
255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202  
Telephone: (513) 977-8397  
Facsimile: (513) 977-8141

Attorneys for Defendant  
Fred Meyer, Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**DANIEL WALKER**, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

**FRED MEYER, INC.**, a Delaware  
corporation,

Defendant.

CV No. 17-01791-YY

DEFENDANT'S UNOPPOSED MOTION  
TO EXTEND THE DEADLINE TO  
RESPOND TO PLAINTIFF'S CLASS  
ACTION COMPLAINT

## **LR 7-1 CERTIFICATION**

Undersigned counsel for defendant Fred Meyer, Inc. ("Fred Meyer") certifies that he has conferred with counsel for plaintiff and there is no objection to the relief requested in this motion.

### **I. MOTION**

Pursuant to Fed. R. Civ. Pr. 6(b), and without waiver of any defense, Fred Meyer moves this Court for a brief fourteen (14) day extension to answer and/or otherwise plead in response to plaintiff Daniel Walker's ("Walker") Class Action Complaint, resetting the deadline to respond from December 8, 2017, to December 22, 2017. (*See* ECF No. 1). The grounds for this motion are set forth below.

### **II. MEMORANDUM IN SUPPORT**

Plaintiff filed his class action complaint (ECF No. 1) on November 8, 2017, proposing two nationwide classes. Defendant's registered agent was served on November 17, 2017, requiring defendant to answer and/or otherwise plead on or before December 7, 2017. Defense counsel was retained on or about November 28, 2017.

Defense counsel is diligently gathering facts and information necessary to evaluate defendant's legal position with respect to plaintiff's proposed nationwide class claims. Given defense counsel's continued evaluation, defendant respectfully requests a brief fourteen (14) day extension to answer and/or otherwise plead.

This is the first request for an extension made by defendant, and this motion is not being made with the intent of delay.

### III. CONCLUSION

Defendant Fred Meyer respectfully requests that this court grant its motion to extend the deadline to respond to plaintiff's class action complaint to December 22, 2017.

DATED this 6th day of December, 2017.

MILLER NASH GRAHAM & DUNN LLP

s/Taylor D. Richman

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mike.porter@millernash.com

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Attorneys for Defendant

Fred Meyer, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2017, I electronically filed the foregoing Defendant's Unopposed Motion to Extend the Deadline to Respond to Plaintiff's Class Action Complaint with the Clerk of the Court using the CM/ECF system and that by doing so I served the foregoing on all parties of record in the subject case via CM/ECF system transmission.

I further certify that I served the foregoing Defendant's Unopposed Motion to Extend the Deadline to Respond to Plaintiff's Class Action Complaint on

Steven L. Woodrow  
Patrick H. Peluso  
Woodrow & Peluso, LLC  
3900 East Mexico Avenue, Suite 300  
Denver, Colorado 80210  
swoodrow@woodrowpeluso.com  
ppeluso@woodrowpeluso.com

Attorneys for Plaintiff and Putative Class

by the following indicated method or methods on the date set forth below:

- ☐ **CM/ECF system transmission.**
- ☐ **E-mail.** As required by Local Rule 5-11b, any interrogatories, requests for production, or requests for admission were e-mailed in Word or WordPerfect format, not in PDF, unless otherwise agreed to by the parties.
- ☐ **E-mail courtesy only.**
- ☐ **Facsimile communication device.**
- ☒ **First-class mail, postage prepaid.**

- ☐ **Hand-delivery.**
- ☐ **Overnight courier, delivery prepaid.**

DATED this 6th day of December, 2017.

s/Taylor D. Richman

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taylor.richman@millernash.com

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Fred Meyer, Inc.